

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JESSICA THOMAS,

Plaintiff,

v.

FRONTIER AIRLINES, INC.,

Defendant.

Case No. 23-11304

Honorable Laurie J. Michelson

ORDER FOR PLAINTIFF’S COUNSEL TO SHOW CAUSE

On June 6, 2023, the Court ordered the parties to “have a meaningful meet and confer” in order to prepare a joint discovery plan as required by Federal Rule of Civil Procedure 26(f). (ECF No. 7, PageID.43); *see also* Fed. R. Civ. P. 26(f) (“The attorneys of record . . . that have appeared in the case are jointly responsible for arranging the conference, for attempting in good faith to agree on the proposed discovery plan, and for submitting to the court within 14 days after the conference a written report outlining the plan.”). And it ordered the parties to attend a scheduling conference on July 20, 2023. (*Id.*)

A few days before the scheduling conference was to be held, Defendant filed a unilateral discovery plan. (*See* ECF No. 9.) Defense counsel explained that he had “repeatedly attempted to contact Plaintiff’s counsel both by email and telephone and circulated a draft joint discovery plan for Plaintiff’s review and input,” but he never received a response. (*Id.* at PageID.48–49, n.1.) To make matters worse, Plaintiff’s counsel failed to appear before the Court for the scheduling conference.

Rule 16(f) of the Federal Rules of Civil Procedure empowers a Court to “issue any just orders, including those authorized by Rule 37(b)(2)(A)(ii)–(vii)” if a party or its attorney fails to obey a pretrial order or fails to appear at a scheduling conference.

Accordingly, by July 28, 2023, Plaintiff’s counsel is ORDERED to show cause, in writing, why the Court should not take further action for his failure to participate in the creation of a joint discovery plan and for his failure to appear at the scheduling conference. The failure to file a timely response, or an inadequate response, may result in the dismissal of this case.

SO ORDERED.

Dated: July 21, 2023

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE